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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,651	07/28/2003	Kuo Wen Chang	MR1115-471	4458

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ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY, MD 21043

EXAMINER

TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/627,651	<b>Applicant(s)</b> CHANG ET AL.	
	<b>Examiner</b> Nhan T. Tran	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

In paragraph [0004], the recitation of "Figs. 7,8 and 9." should be corrected to add a space after the comma between number "7" and "8" such that – Figs. 7, 8 and 9 --

In paragraph [0020], the recitation of "10,20", "12,22" should be also corrected to add a space after the comma between the recited numbers.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5, 6, 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ting (US 6,665,455).

Regarding claim 1, Ting discloses a lens adjusting mechanism (Figs. 2-4; abstract and col. 3, line 16 – col. 4, line 6, wherein lens 300 is adjustably mounted by means of flexible pressing straps 400, 401, pegs 203, 204 and all platform components disclosed therein) comprising:

a first platform (600 shown in Fig. 3), forming a first assembling aperture (i.e., a hole for the peg to be inserted therein) along a rim of the first platform; a second platform (100), mounted above the first platform and forming a second assembling aperture (i.e., a hole 103 or 104) along a rim of the second platform in accordance with the first assembling aperture of the first platform, the second platform having a flexibility portion (i.e., flexible pressing strap 400 or 401) adjacent to the second assembling aperture, a hinge groove (a groove at the bottom surface of 100 shown in Figs. 3 & 4) opened between the second assembling aperture (103 or 104) and an end part the flexibility portion (i.e., a distal end surface of 400 or 401); a mounting foot (the bottom surface of flexible pressing strap 400 or 401 acts as a mounting foot) supported on the first platform (600), and against the end part of the flexibility portion (see Figs. 3 & 4; col. 3, lines 39-64);

a spiral lock member (positioning peg 203 or 204), passing through the first assembling aperture of the first platform (600) and the second assembling aperture of the second platform (100) to interlock therebetween (Figs. 3 & 4 and col. 3, lines 39-64).

Regarding claim 2, Ting also discloses that the mounting foot is assembled with the first platform (600) (after the assembly process as shown in Fig. 2, all components are assembled together).

Regarding claim 3, similar to claim 2 above, the mounting foot is assembled with the second platform (100) (after the assembly process as shown in Fig. 2, all components are assembled together).

Regarding claim 5, it is also seen in Figs. 3 & 4 of Ting that the hinge groove is formed on a bottom surface of the second platform (100).

Regarding claim 6, Ting also shows in Figs. 3 & 4 that the flexibility portion (400 or 401) extends outwardly from the second platform (100) along a radial direction.

Regarding claim 8, it is also seen in Figs. 3 & 4 of Ting that the flexibility portion (400 or 401) arranges along a tangent direction on the rim of the second platform (100).

Regarding claim 9, Ting clearly discloses that the first platform (600) is utilized to mount the lens (300) thereon (see Figs. 2-4; col. 3, lines 16-64 and note that the lens 300 is *indirectly* mounted on the first platform 600 via the second platform 100).

Regarding claim 10, Ting clearly discloses that the second platform (100) is utilized to mount the lens (300) thereon (see Figs. 2-4; col. 3, lines 16-64).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4 & 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaneko et al. (US 7,170,665) in view of Ting (US 6,665,455).

Regarding claim 1, Kaneko discloses a lens adjusting mechanism (Figs. 1, 2 & 8 and abstract) comprising:

a first platform (2 shown in Fig. 1);

a second platform (1), mounted above the first platform and forming a second assembling aperture (6a shown in Fig. 1 or 6b shown in Fig. 8) along a rim of the second platform, the second platform having a flexibility portion (4a, 4b) adjacent to the second assembling aperture, a hinge groove (6 shown in Fig. 1) opened between the second assembling aperture and an end part the flexibility portion (end part of 4a); a mounting foot (3) supported on the first platform (2), and against the end part of the flexibility portion (see Figs. 1, 2 & 8; col. 4, lines 20-62 and col. 8, lines 26-32);

Kaneko does not explicitly disclose a first assembling aperture is formed along a rim of the first platform in accordance with the second assembling aperture of the second platform, and a spiral lock member, passing through the first assembling aperture of the first platform and the second assembling aperture of the second platform to interlock therebetween.

However, Ting teaches a lens adjusting mechanism in which a first platform (600) comprises at least a first assembling aperture (Fig. 3) formed along the rim of the first platform corresponding to a second assembling aperture (i.e., 104) of the second platform (100) such that a spiral lock member (i.e., peg 204) can be inserted through the first and the second assembling apertures to interlock therebetween, thereby securing the first and second platforms from shock or vibration to stabilize the mechanism (see Ting, Figs. 2-4; col. 3, lines 39-64).

Therefore, it would have been obvious to one of ordinary skill in the art to reconfigure the mechanism in Kaneko to include the teaching of Ting to arrive at the Applicant's claimed invention by providing the first assembling aperture on the first platform and a spiral lock member passing through the first assembling aperture and the second assembling aperture to interlock the platforms therebetween so that the first and second platforms would be secured from shock or vibration for stabilizing the mechanism.

Regarding claim 4, Kaneko also shows in Fig. 1 that the hinge groove (6) is formed on a top surface of the second platform.

Regarding claim 7, Kaneko further discloses that the second platform is shaped in its inter portion with a U-shaped groove to form the flexibility portion (4a, 4b shown in Figs. 1, 10A-10B) which extends toward a center of a circle (7) of the second platform along a radial direction.

**Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
NHAN T. TRAN  
Patent Examiner